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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,539	03/13/2004	Loren J. Veltrop		7810

7590 06/27/2006  
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EXAMINER

LANDRUM, EDWARD F

ART UNIT PAPER NUMBER

3724

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

6

<b>Office Action Summary</b>	<b>Application No.</b> 10/799,539	<b>Applicant(s)</b> VELTROP ET AL.	
	<b>Examiner</b> Edward F. Landrum	<b>Art Unit</b> 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/9/2005</u> .  | 6) <input type="checkbox"/> Other: ____                                     |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because of the use of legal phraseology such as "whereat". Correction is required. See MPEP § 608.01(b).
2. The disclosure is objected to because of the following informalities: The slicing apparatus is incorrectly labeled "10" on pages 6 and 7.

Appropriate correction is required.

### *Claim Objections*

3. Claim 16 is objected to because of the following informalities: "Cast" is incorrectly spelled "case" in line 12. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 9-12, 14, 15, 26-28, 31, 33, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Higbee (U.S Patent No. 3,918,338).

Higbee teaches (see Figures 1 and 3) a manually operated apparatus capable of slicing a food product comprising: a generally flat base (60) with a planar top surface; a slotted anvil (62) disposed on top of and pivotally attached to the base (60); a metal cutting head (80), located above the slotted anvil (62), comprising a plurality of cutting blades (86, 88, 90, 92, 94, and 96) and pivotally attached to the base (60) using the

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same pivot structure as the anvil (62). The pivot means includes a removable pivot shaft (68).

6. Claim 34 is rejected under 35 U.S.C. 102(b) as being anticipated by Wallace (U.S. Patent No. 5,692,424).

Wallace teaches (see Figure 8) an apparatus from slicing a food product comprising: a base (120); an anvil (320) for abuttingly engaging a product to be sliced; and a cutting head (220) having a plurality of cutting blades (250, see Figure 1). The anvil (320) and cutting head (220) are pivotally mounted to the base (120).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11, 16- 21, 25, 34, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giasi (U.S. Patent No. 3,277,574) in view of Wallace, in further view of Holcomb et al (U.S. Patent No. 6,244,150), hereinafter Holcomb.

Giasi teaches (see Figures 1, 2, and 6) a manually operated slicing device comprising: a generally flat and planar base (22); a slotted anvil (42, 44, and 50) with an elevated support surface (50), positioned generally parallel to the base (22), and generally horizontal feet (42 and 44); and a metal cutting head (24), including a plurality of laterally spaced cutting wires (80) located in an opening within the cutting head (24)

and press fit into opposing bars (66 and 58) which are part of the cutting head (24), pivotally attached to the base (see Figure 2), and located above the anvil.

Giasi teaches all of the elements of the current invention as stated above except the anvil being pivotally attached to the base member, the pivot means of both the anvil and the cutter head being easily removable, the anvil being made of one piece of sheet metal, and the use of rounded cutting blades that are press fit into the cutting member.

Wallace teaches (see Figures 3, 4, 5, and 8) removably attaching, via pivot shafts, a cutter (220) and an anvil (320) to a base (120) for the purpose of being able to easily separate all of the pieces easily to make it easier to clean each piece (Col. 3, lines 20-23).

Holcomb teaches (Col. 1, lines 40-44) the use of a rounded cutting blade for cutting cheese.

It would have been obvious to have modified Giasi to incorporate the teachings of Wallace and Holcomb to removably attach both the cutting head and the anvil to the base for the purpose of making the slicing assembly easier to clean. Furthermore, pivotally attaching the anvil to the base would then prevent the anvil from being able to move across the surface of the base. Preventing this movement would prevent the anvil from shifting while an object was being cut and would therefore prevent the cutting blades in the cutting head from hitting the anvil and potentially breaking or bending. Using rounded cutting blades instead of cutting wires would increase the efficiency of the slicing unit because blades are more durable than cutting wires and would need to be replaced less frequently.

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Regarding claims 5 and 17, it would have been an obvious matter of design choice to modify Giasi by making the anvil out of one piece of stamped sheet metal, since applicant has not disclosed that making the anvil out of one piece of sheet metal solves a stated problem or is for any particular purpose and it appears that the anvil would perform equally well with the anvil made of any resilient material.

Regarding claims 8 and 19, it would have been an obvious matter of design choice to modify the modified device of Giasi by pressing the cutting blades into place in the cutting head, since applicant has not disclosed that press fitting the cutting blades into the cutting head solves a stated problem or is for any particular purpose and it appears that the cutting head would perform equally well by attaching the cutting blades to the cutting head in any way that adequately held the cutting blades in the cutting head.

9. Claims 12, 14, 15, 22, 24-31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified device of Giasi in view of Baukloh (U.S Patent No. 5,749,145).

The modified device of Giasi teaches all of the elements of the current invention as stated above except the cutting head and the anvil being mounted on the same pivot shaft.

Baukloh teaches (Col. 1, lines 42-46) teaches that it is old and well known in the cutting art to arrange multiple to arrange multiple structures on a common pivot axis.

It would have been obvious to have modified the modified device of Giasi to incorporate the teachings of Baukloh and attach both the anvil and the cutter head to a

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common pivot axis for the purpose of simplifying the design thereby reducing money and time necessary to manufacture the slicing apparatus.

10. Claims 13, 23, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Higbee in view of Aberer (U.S Patent No. 2,951,670) and in further view of Watanabe (U.S Patent No. 6,163,926).

Higbee teaches all of the elements of the current invention as stated above except the pivot shaft having a manually graspable surface at one end and the pivot shaft being press fit into the base at the other end.

Aberer teaches (see Figure 1) incorporating a knurled end (24) onto a pivot shaft (23) for the purpose of making the pin easier to insert and take out of a pivotal assembly.

Watanabe teaches (see Figures 2 and 3) press fitting the distal end of a pivot shaft (30a) into a hole (31) so that the pin and the tang (26) do not move relative to each other so the clevis (28) can rotate freely along the pivot shaft (30a; Col. 5, lines 16-36).

It would have been obvious to have modified Higbee to incorporate the teachings of Aberer and Watanabe to provide an pivot shaft with a manually graspable end for the purpose of allowing a user to easily remove the or insert the shaft into the slicing apparatus and also create a press fit between the base and the distal end of the pivot pin for the purpose of allowing the anvil and the cutter to rotate freely relative to the base while also preventing the pivot shaft from inadvertent disassembly of the apparatus during transport.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hummer (U.S Patent No. 774,389), Jastrzembski (U.S Design Patent No. 485,328), Engdahl (U.S Patent No. 6,805,032), Brustowsky (U.S Patent No. 2,315,767), Chinn (U.S Patent No. 3,800,649), and Dorion (U.S Design Patent No. 464,851) teach slicing apparatuses. Miller (U.S Patent No. 5,448,781), and Amundsen (U.S Patent No. 3,593,365) teach pivoting structures.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL  
6/15/2006



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PRIMARY EXAMINER